

Peter S. Heller, Esq. (FLBN 402222)

9155 South Dadeland Boulevard

Suite 1412

Miami, Florida 33156

Telephone: (305) 284-8000

Facsimile: (305) 670-0088

E-mail: Petersheller@aol.com

Attorney *Pro Hac Vice* for Defendant Matthew Fong

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

E-FILED - 9/18/06

UNITED STATES OF AMERICA,

Plaintiff,

v.

MATTHEW FONG,

a/k/a cyber,

a/k/a cyber3r,

a/k/a 1329,

Defendant.

Case No. CR-06-00054-RMW

**STIPULATION REQUESTING
CONTINUANCE OF SENTENCING
HEARING AND ORDER**

It is hereby stipulated and agreed between defendant MATTHEW FONG, through his undersigned counsel of record, and the United States, through Assistant United States Attorney Mark L. Krotoski, as follows:

1. This matter is currently set for a sentencing hearing on September 25, 2006 at 9:00 a.m.

2. Unfortunately, due to Mr. Fong's court authorized summer study period abroad, his interview with the United States Probation was unable to be conducted until August 10, 2006.

1 Therefore, additional time is needed in order for the Presentence Report to be completed and
2 disclosed as required.

3 3. Based upon the foregoing, the parties agree that the Defendant's sentencing should
4 be reset to October 23, 2006.
5

6 4. United States Probation Officer Lynn Richards has been advised and does not
7 oppose this request.

8 For the foregoing reasons, and that the ends of justice are served by continuing this
9 case, the parties stipulate and request to a continuance of the sentencing hearing from
10 September 25, 2006 to October 23, 2006, or the next available date.
11

12 IT IS SO STIPULATED.

13 Dated: August __, 2006

KEVIN V. RYAN
United States Attorney

14
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16 _____
MARK L. KROTOSKI
Assistant United States Attorney

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18 Dated: August 30, 2006

19 _____
/s/
PETER S. HELLER
Attorney for Defendant FONG

20
21
22 IT IS SO ORDERED.

23 Upon good cause shown, the sentencing hearing is continued from September 25, 2006
24 at 9:00 a.m. to October 23, 2006 at 9:00 a.m._____.

25 Dated: September 18, 2006

26 _____
/s/ Ronald M. Whyte
RONALD M. WHYTE
United States District Court Judge